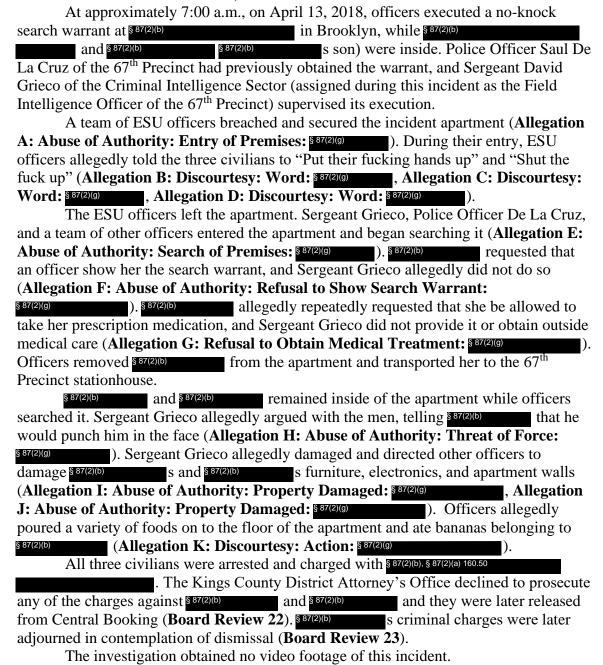
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☑ Discourt. ☐ U.S.
Matthew Chaves		Squad #10	201901422	☑ Abuse	e 🔲 O.L. 🔲 Injury
Incident Date(s)		Location of Incident:	•	Precinct	t: 18 Mo. SOL EO SOL
Friday, 04/13/2018 7:00 AM		§ 87(2)(b)		73	10/13/2019 10/13/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/T	ime Received at CCRB
Wed, 02/06/2019 10:29 AM		IAB	Phone	Fri, 02/	/15/2019 11:04 AM
Complainant/Victim	Type	Home Addre	ess		
Subject Officer(s)	Shield	TaxID	Command		
1. POM Saul Delacruz	14948	956572	067 PCT		
2. SGT David Grieco	03830	940216	067 PCT		
3. Some Officers			ESU		
4. Officers			67 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. DI Elliot Colon	00000	905982	067 PCT		
2. POM Devin Baker	1595	952439	067 PCT		
3. SSA Charles Schwartz	05458	947478	067 PCT		
4. POM Jose Delgado	699	955523	067 PCT		
5. POM James Lukeson	09696	935216	067 PCT		
6. POM Matthew Walker	18702	959352	067 PCT		
7. POM Gregory Vasquez	21626	951369	067 PCT		
8. DTS Jared Popp	7497	935533	ESS 08		
9. DTS Lenno Hendricks	04817	925441	ESU		
10. DTS Shawn Soler	05036	927537	ESU		
11. DTS Kevin Costello	5130	944467	ESS 10		
12. SSA Donald Abrams	00085	921890	ESU		
13. SGT Danielle Roventini	02499	933298	ESS 06		
14. DTS Patrick Barry	00249	917283	ESU		
15. DT2 Matthew Vahey	07959	907488	ESU		
Officer(s)	Allegation	n		I	nvestigator Recommendation
A.POM Saul Delacruz	Abuse: Po	olice Officer Saul Delac	cruz entered § 87(2)(b)		
B. Some Officers	Discourte	in Brooklyn. sy: Officers spoke disc	ourteously to § 87(2)(b)	•	
C. Some Officers	Discourte	sy: Officers spoke disc	ourteously to § 87(2)(b)		
D. Some Officers		sy: Officers spoke disc			

Officer(s)	Allegation	Investigator Recommendation
E.POM Saul Delacruz	Abuse: Police Officer Saul Delacruz searched [\$87(2)(b)] in Brooklyn.	
F.SGT David Grieco	Abuse: Sergeant David Grieco refused to show the search warrant to §87(2)(b)	
G.SGT David Grieco	Abuse: Sergeant David Grieco did not obtain medical treatment for § 87(2)(b)	
H.SGT David Grieco	Abuse: Sergeant David Grieco threatened §87(2)(b) with the use of force.	
I.SGT David Grieco	Abuse: Sergeant David Grieco damaged § 87(2)(b) property.	s
J.SGT David Grieco	Abuse: Sergeant David Grieco damaged § 87(2)(b) s property.	
K. Officers	Discourtesy: Officers acted discourteously toward §87(2)(b)	

Case Summary

On February 6, 2019, Detective Maria Menia-Randazzo of IAB reviewed a February 5, 2019, article published in the New York Post about this incident. Det. Menia-Randazzo prepared original log number 2019-4972. This was referred to the CCRB as referral log number 2019-5786, where it was received on February 15, 2019. This complaint was added to the sensitive complaint list due to media coverage (see **Board Review 09** and **Board Review 21**).



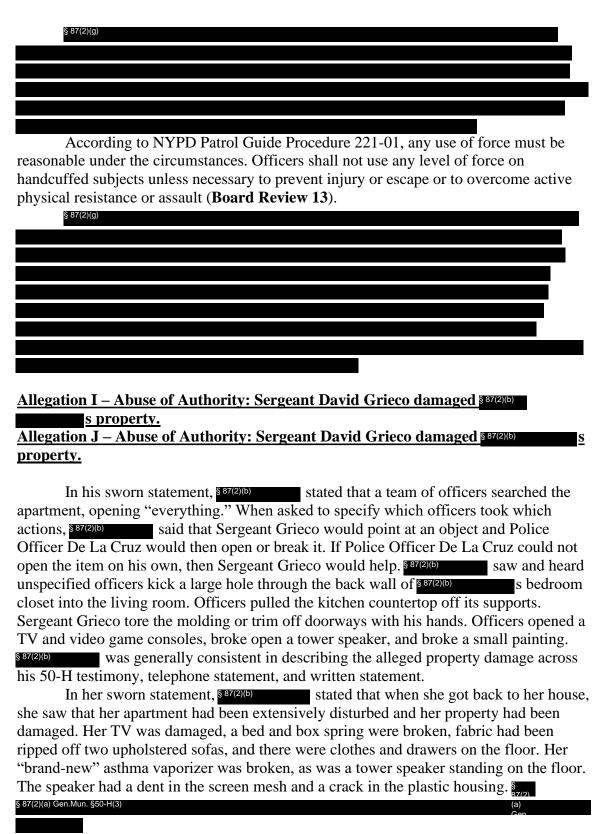
Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Saul Delacruz entered Sa7(2)(b)
in Brooklyn.
Allegation B – Discourtesy: Officers spoke discourteously to §87(2)(b)
Allegation C – Discourtesy: Officers spoke discourteously to 887(2)(b)
Allegation D – Discourtesy: Officers spoke discourteously to \$87(2)(b)
Allegation E – Abuse of Authority: Police Officer Saul Delacruz searched
in Brooklyn.
provided a sworn statement as part of a 50-H hearing on October 29, 2018 (Board Review 01), and provided a sworn statement to the CCRB on May 24, 2019 (Board Review 02). provided a sworn statement as part of a 50-H hearing on October 29, 2018 (Board Review 01), an unsigned, unnotarized written statement to the CCRB on June 6, 2019 (Board Review 03), a telephone statement to the CCRB on June 10, 2019 (Board Review 04), and a sworn statement to the CCRB on June 12, 2019 (Board Review 05). Police Officer De La Cruz was interviewed at the CCRB on July 16, 2019 (Board Review 06). Sergeant Grieco was interviewed at the CCRB on July 17, 2019 (Board Review 07). The investigation repeatedly attempted to
contact §87(2)(b) directly, through §87(2)(b) and through §87(2)(b) s
former attorney, but \$87(2)(b) never responded to these contact attempts and never
provided a statement.
It is undisputed that on the incident date, ESU officers forcibly entered
s apartment. In their statements, \$\frac{887(2)(0)}{2}\$ and \$\frac{857(2)(0)}{2}\$ consistently described heavily-armed officers breaking down the apartment door, entering the apartment, pointing their long guns at all the civilians, telling the civilians to "shut the fuck up" and "put their fucking hands up," and handcuffing the civilians. After the ESU officers left, an investigative team of officers entered and searched the entire apartment. The investigation obtained search warrant number \$\frac{87(2)(0)}{2}\$, signed on \$\frac{87(2)(0)}{2}\$, by the Honorable \$\frac{87(2)(0)}{2}\$ in Kings County, that was executed during this incident (Board Review 08). The warrant lists the incident address as the target location, and names \$\frac{87(2)(0)}{2}\$ as a targeted individual. The warrant authorizes a "no-knock" entry between the hours of 6 a.m. and 9 p.m. Police Officer De La Cruz is named as the officer whose affidavit obtained the warrant. The warrant indicates that a firearm is the primary contraband being sought, and includes digital devices, documents related to their passwords or encryption, and documents related to the occupancy of the residence as relevant additional evidence.
NYPD Patrol Guide Procedure 200-02 requires officers to treat civilians with
courtesy (Board Review 10). However, In <u>DAO-DCT Case Number: 2017-17276</u> the
court held that language which would ordinarily be inappropriate in dealing with civilians
may be excused during a violent confrontation (Board Review 11).
§ 87(2)(g)

§ 87(2)(g)
Allegation F – Abuse of Authority: Sergeant David Grieco refused to show the
search warrant to §87(2)(b)
In her sworn statement, \$\structup{\
statements. was largely consistent in his account of this allegation, though described Sergeant Grieco showing her one piece of paper while sar(2)(b) was allegedly shown two. statements. described Sergeant Grieco showing her one piece of paper while sar(2)(b) also said that one page had numbers on the bottom and the other had a picture of an unknown male. statements.
was not available to the investigation and did not provide a
statement regarding this allegation. In his interview, Sergeant Grieco stated that he possessed a copy of the search warrant during this incident, as he always had a copy of the warrant when executing one. He did not recall whether the civilians asked to see the search warrant or for anything else. He did not recall whether he showed the civilians the search warrant, but stated that he normally does so when executing one. In his interview, Police Officer De La Cruz stated that he saw Sergeant Grieco show the civilians the search warrant. Police Officer De La Cruz described this as the
first action that Sergeant Grieco took upon entering the apartment. The civilians had not asked Sergeant Grieco to show them the warrant. Rather, Sergeant Grieco showed the warrant unprompted. Police Officer De La Cruz did not recall if or how the civilians responded to being shown the warrant. [887(2)(9)
Allegation G – Abuse of Authority: Sergeant David Grieco did not obtain medical treatment for §87(2)(5)

In her sworn statement, \$87(2)(6) stated that that she had thyroid issues and took daily medication to treat them. She also had asthma and used an inhaler. Finally, she had an unspecified heart condition. After being handcuffed, she repeatedly asked two officers standing near her (identified by the investigation as Sergeant Grieco and Police Officer De La Cruz) to retrieve her medicine, and the officers said that they would do so. However, the officers did not obtain \$87(2)(6) s medicine. A third officer told \$7(2) that she was going to get her medicine, but \$87(2)(6) never got it. \$7(2) never asked to go to a hospital while she was in the apartment or station house, and refused medical attention at Central Booking. \$87(2)(a) Gen.Mun. \$50-H(3)
In her sworn CCRB statement, however, did not describe doing this and did not describe any officers from the stationhouse that she had not previously seen in her apartment. In his sworn statement, \$\frac{87(2)(b)}{2}\$ asked if she could have her medicine. Shortly after this, \$\frac{87(2)(c)}{2}\$ told Sergeant Grieco, "Let her get her meds. Don't just take her." He then saw standing outside the building through the living room window. \$\frac{87(2)(c)}{2}\$ ask again for her medication. In his telephone statement, \$\frac{87(2)(c)}{2}\$ also said that he told officers to give \$\frac{87(2)(c)}{2}\$ her medicine. \$\frac{87(2)(c)}{2}\$ also said that he told officers to give \$\frac{87(2)(c)}{2}\$.
was not available to the investigation and did not provide a statement regarding this allegation.
In his interview, Sergeant Grieco stated that he did not recall whether ever requested medical attention or access to her medication, either to him or to another officer. He did not recall whether ever appeared injured or sick. In his interview, Police Officer De La Cruz stated that, over the course of the whole incident, none of the civilians asked for medical attention or to receive medicine. Police Officer De La Cruz did not recall serges mentioning or asking for prescription medication. Police Officer De La Cruz did not see that any of the civilians looked ill or injured.
The investigation determined that a request for medication constituted a request
for medical treatment. \$87(2)(b) and \$87(2)(b) consistently described asking Sergeant Grieco and his subordinate officers to give \$87(2)(b) her medicine. Sergeant Grieco was the ranking supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$37(2) and \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified as present at the time of \$38(2)(b) are supervisor identified at the time of \$38(2
Sergeant Grieco.
§ 87(2)(g)
Allogation U. Abuse of Authority, Sanggent David Chiese threatened
Allegation H – Abuse of Authority: Sergeant David Grieco threatened with the use of force.

In his sworn statement, §87(2)(b) stated that he recognized Sergeant Grieco
from a previous incident in which Sergeant Grieco arrested [S87(2)(6)] s younger
brother, Aaron \$87(2)(b) and punched him in the face. While \$87(2)(b) and \$27(2)(c)
were handcuffed and seated, \$87(2)(b) and Sergeant Grieco "went back and
forth." Sergeant Grieco told \$87(2)(b) "Shut up before I punch your teeth out. Ask
him what I do. I did it to his little brother." \$597(2)(6) s 50-H testimony, telephone
statement, and written statement were all generally consistent with his sworn statement.
was not present for the portion of the incident when \$87(2)(b)
described this allegation taking place. §87(2)(b) was not available to the investigation
and did not provide a statement regarding this allegation.
In his interview, Sergeant Grieco acknowledged previously interacting with and
being involved in the arrest of Aaron \$87(2)(b) but did not recall whether he used force
against Aaron § 87(2)(b)
Sergeant Grieco acknowledged speaking to the civilians inside the apartment
during this incident, but did not recall how they were positioned. He did not recall
whether any of the civilians made antagonistic statements toward him, but denied hearing
them threaten any officers.
Sergeant Grieco did not recall whether, during this incident, he ever spoke to any
of the civilians about \$87(2)(b) s brother. When asked whether, during this incident,
he threatened to use force against §87(2)(b) the way he had previously used force
against \$87(2)(b) s brother, Sergeant Grieco said "I don't remember that." When
asked to clarify whether he was stating that he did not make the alleged threat or did not
remember doing so, Sergeant Grieco said "I don't think I said that. I don't recall saying
something like that. It's not something I normally do."
In his interview, Police Officer De La Cruz stated that the civilians were all
handcuffed while they were held in the apartment living room. The civilians never
became loud or unruly, and officers did not need to tell them to be quiet. Sergeant Grieco
did not tell § 87(2)(b) that he had previously beaten up § 87(2)(b) s brother, and did
not threaten to beat up §87(2)(b) in a similar manner. Sergeant Grieco never
threatened a civilian with the use of force during this incident.
CCRB complaint number §87(2)(b) (duplicated in complaint number
\$87(2)(b) which was filed by \$87(2)(b) states that on \$87(2)(b) , \$87(2)(b)
was allegedly punched in the face by officers in the 75 th Precinct and sustained a
black and blue eye. Police Officer Todd Hansen of the 75 th Precinct was the only officer
listed. The BADS arrest database lists a sealed arrest for that incident and confirms that
Police Officer Hansen was the arresting officer (Board Review 12).
§ 87(2)(g)



Sergeant Grieco acknowledged entering multiple rooms in the apartment and "assumed" he went into the bedrooms, but could not recall. He did not recall whether

officers disassembled or broke furniture in the bedrooms as they searched. He stated that while it is sometimes necessary for officers to take apart furniture to search for contraband, this is done on a case-by-case basis and is not done as a matter of fixed policy. Sergeant Grieco did not recall whether officers opened video game consoles, a television, or a tower speaker. He did not recall whether the officers had any intelligence suggesting that contraband was hidden inside of electronic devices. Sergeant Grieco denied cutting or tearing open the upholstery of living room furniture, and said that he had never done this during a search warrant execution. Sergeant Grieco did not recall whether the officers damaged the apartment's walls in any way. When asked whether the officers found evidence of any hidden compartments in the walls, Sergeant Grieco answered, "That place was a mess." He did not recall finding any hidden compartments or a subordinate officer asking for permission to cut through a wall.

Police Officer De La Cruz said that he searched \$87(2)(b) s bedroom and flipped over \$87(2)(b) s mattress, but doing so did not damage it or the bed supporting it. Police Officer De La Cruz also went through \$67(2)(b) s dresser, but did not take the drawers out. Other officers helped Police Officer De La Cruz search \$67(2)(b) s bedroom, but he could not remember their names. Sergeant Grieco did not help Police Officer De La Cruz search \$67(2)(b) s bedroom. While Police Officer De La Cruz searched \$67(2)(b) s bedroom, he flipped her bed and mattress, went through her closet, and went through her dresser. Police Officer De La Cruz denied damaging any of \$67(2)(b) s property during his search.

Police Officer De La Cruz looked through the apartment's hallway. Police Officer De La Cruz searched the kitchen. He opened cabinets, looked on top of the cabinets, looked inside of the refrigerator, and moved the refrigerator to look under and behind it. Police Officer De La Cruz also searched the living room, but denied opening any electronics, or having any intelligence indicating that contraband might be hidden inside of electronics. He did not recall there being a speaker in the living room, and denied opening the casing of any videogame consoles or TVs. Police Officer De La Cruz stated that he did not operate under a policy of opening electronic devices during search warrants and the decision was made on a case by case basis.

was not available to the investigation and did not provide a statement regarding this allegation.

provided eight photographs of her apartment, reportedly taken when she returned there after being released from Central Booking (**Board Review 20**). The photos collectively show multiple rooms in disarray, with possessions covering the floors and furniture apparently out of its normal position. The photos are blurry and of low resolution, making it difficult to identify some of the depicted items. However, one photo apparently depicts the door to an electrical fuse box hanging off its hinges, another photo apparently depicts a television laying on the floor, a third photo depicts a computer monitor sitting on the floor, and a fourth photo depicts a square opening in a wall partially covered by torn plastic.

Based on savenum s specific account of Sergeant Grieco directing a subordinate officer to damage items in the apartment and actively damaging items himself, this allegation has been pleaded against Sergeant Grieco.

§ 87(2)(g)
§ 87(2)(g)
Allegation K – Discourtesy: Officers acted discourteously toward
In his sworn statement, stated that unknown officers went into the kitchen and dumped food, including milk, sugar, and flour, on to the kitchen floor.
Multiple officers ate a bunch of bananas. §87(2)(b) was unable to attribute these
actions to specific officers and described the officers as doing them collectively.
made similar allegations in his 50-H testimony, telephone statement, and written
statement.
was not inside the apartment during the portion of the incident
when officers were alleged to have acted discourteously.
was not available to the investigation and did not provide a
statement regarding this allegation.
In his interview, Sergeant Grieco stated that he did not recall whether he searched
the kitchen cabinets. He saw other, unspecified officers search the kitchen cabinets.
Sergeant Grieco did not recall whether any officers poured out food on to the counter or floor. Sergeant Grieco denied eating any food from the apartment, including bananas, and
denied seeing other officers eat a civilian's food.
In his interview, Police Officer De La Cruz stated that he searched the kitchen. He
opened cabinets, looked on top of the cabinets, looked inside of the refrigerator, and
moved the refrigerator to look under and behind it. Police Officer De La Cruz denied
opening any food containers, and denied pouring food on the counter or floor. Police
Officer De La Cruz denied eating, or seeing another officer eat, food from the apartment,
including a bunch of bananas.
§ 87(2)(g)

Civilian and Officer CCRB Histories

This is the first CCRB complaint to which \$87(2)(b) has been Review 14).	n a party (Board
§ 87(2)(b)	
This is the first CCDD complaint to which \$57000	a manter (Daami
This is the first CCRB complaint to which \$87(2)(b) has been Review 16).	a party (Board
Police Officer De La Cruz has been a member of service for five	years and has
been a subject in two other closed CCRB complaints and four oth	er closed
allegations, none of which were substantiated. Police Officer De l	La Cruz is
currently a subject in two other open CCRB complaints, involving allegations.	g two more open
Sergeant Grieco has been a member of service for thirteen years a	and has been a
subject in 28 other closed CCRB complaints and 67 other closed	
which eight were substantiated:	,

- Complaint number 201111996 involved substantiated allegations of premises entered and/or searched and \$87(4-5).\$87(2)(9)
 against Sergeant Grieco. The Board recommended command discipline B and instructions and the NYPD imposed instructions.
- Complaint number 201207718 involved a substantiated allegation of stop against Sergeant Grieco. The Board recommended charges and the NYPD imposed command discipline (one vacation day).
- O Complaint number 201405351 involved substantiated allegations of premises entered and/or searched and \$87(4-b), \$87(2)(9) against Sergeant Grieco. The Board recommended charges and the NYPD imposed no penalty.
- O Complaint number 201800398 involved substantiated allegations of vehicle stop, vehicle search, threat of summons, search of person, and against Sergeant Grieco. The Board recommended charges and the NYPD has not yet imposed discipline.
- In addition to these closed complaints, Sergeant Grieco is currently a subject officer in seven other open CCRB complaints and 16 other open allegations.
- Of the seven open complaints against Sergeant Grieco, six of them allege that he entered and searched premises, and five of them have been filed within 2019.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- \$87(2)(b) and \$87(2)(b) filed a Notice of Claim with the City of New York claiming false arrest, false imprisonment, racial discrimination, employee negligence, intentional infliction of severe emotional distress, negligent hiring,

training, supervision, discipline and retention of employment services amounting to a policy, practice, or custom of deliberate indifference to civil and constitutional rights, and violation of civil rights and immunities secured by the Constitution and Laws of the United States and New York State and seeking unspecified compensation. A 50-H hearing was held on October 29, 2018. The Notice of Claim and 50-H testimony can be found at **Board Review 01**.

- According to the Office of Court Administration (OCA), \$87(2)(5)
 has no history of convictions in New York City (Board Review 17).
- According to the Office of Court Administration (OCA), sa(2)(0) has no history of convictions in New York City (**Board Review 18**).

§ 87(2)(b)			
Review 1	19).		(Board
Squad No.: 10			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	 Date